

MAR 19 2013



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-

Jason Smathers
Muckrock.com

Dear Mr. Smathers:

This acknowledges receipt of your March 5, 2013, Freedom of Information Act (FOIA) request to the National Institute of Standards and Technology (NIST) in which you requested

"All records referencing the five oldest FOIA and Privacy Act requests which are still being processed that contain remarks, comments, notes, explanations, etc. made by your personnel or contractors about the processing of these requests (and appeals, if appropriate), the invocation of exemptions, or related matters. This is to include any analysts' notes made during the processing of the requests, any standard worksheets completed by the analysts, any justifications for exemption invocations or other supporting documentation provided to the Appeals Authority, and any correspondence referencing the requests, including tasking orders, emails, and coordination documentation. However, any records previously released to the original requesters in unredacted form may be excluded from this request. Additionally, please provide the initial request letters for the 5 oldest open FOIA/PA requests:

When processing this request, please note that the D.C. Circuit has previously held that agencies have a duty to construe the subject material of FOIA requests liberally to ensure responsive records are not overlooked. See *Nation Magazine, Washington Bureau v. U.S. Customs Service*, 71 F.3d 885; 890 (D.C. Cir. 1995). Accordingly, you are hereby instructed that the term "record" includes, but is not limited to: 1) all email communications to or from any individual within your agency; 2) memoranda; 3) inter-agency communications; 4) sound recordings; 5) tape recordings; 6) video or film recordings; 7) photographs; 8) notes; 9) notebooks; 10) indices; 11) jottings; 12) message slips; 13) letters or correspondence; 14) telexes; 15) telegrams; 16) facsimile transmissions; 17) statements; 18) policies; 19) manuals or binders; 20) books; 21) handbooks; 22) business records; 23) personnel records; 24) ledgers; 25) notices; 26) warnings; 27) affidavits; 28) declarations under penalty of perjury; 29) unsworn statements; 30) reports; 31) diaries; or 32) calendars, regardless of whether they are handwritten, printed, typed, mechanically or electronically recorded or reproduced on any medium capable of conveying an image, such as paper, CDs, DVDs, or diskettes."

Your request was received at the NIST FOIA Control Desk on March 15, 2013, and was assigned FOIA Log #DOC-NIST-2013-000663.

Darla Yonder, Management Analyst of my office is the contact point for processing your request. If you have any questions regarding your pending FOIA request, she may be reached by email foia@nist.gov or by phone (301) 975-4064.

Sincerely,

Catherine S. Fletcher
Freedom of Information Act Officer

NIST